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ORIGINALLY FILEDAttorney's Docket No. 38867/240561PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Fenderson et al.
Appl. No.: 09/990,570
Filed: November 21, 2001
For: HERBICIDAL COMPOSITIONS
COMPRISING DIMETHENAMID

Confirmation No.: 2661
Group Art Unit: Not Yet Assigned
Examiner: Not Yet Assigned

August 26, 2002

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Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

**PETITION OF FACTS IN SUPPORT OF FILING ON BEHALF OF A
NONSIGNING INVENTOR UNDER 37 CFR §1.47(a)**

Sir:

This petition is made to provide the pertinent facts under 37 CFR §1.47(a) that demonstrate that Walter van Loocke and Theo Quaghebeur, both joint inventors, refuse to join in the present application or cannot be found after diligent effort. The facts in support of this petition are as follows:

1. At the direction of the undersigned, Elisabeth Heistracher and Beate Belgraver, employees at BASF AG, attempted to contact Walter van Loocke and Theo Quaghebeur to obtain their signatures for the above referenced reissue patent application between February 18, 2002 and June 25, 2002. However, despite these attempts, Elisabeth Heistracher and Beate Belgraver have been unable to obtain Mr. Van Loocke and Mr. Quaghebeur's signatures because of their refusal to sign the declaration. Please find attached the Declarations of Elisabeth Heistracher and Beate Belgraver in support of filing on behalf of a nonsigning inventor under 37 C.F.R. §1.47(a) (Exhibits 1 through 4).

2. On February 14, 2002, the undersigned received correspondence from William B. O'Neal listing Walter van Loocke's address as Heerweg, 10, 8377 Meetkerken, Belgium. The correspondence from Mr. O'Neal also listed Theo Quaghebeur's address as Rue Haute folie, 92,

7062 Naast Belgium. These addresses are Walter van Loocke and Theo Quaghebeur's last known addresses as of the date of this petition.

3. On February 18, 2002, the undersigned forwarded a declaration for signature along with a copy of the U.S. Patent No. 5,990,046 and the present application to Elisabeth Heistracher at BASF AG, BVX/P C6, 37056 Ludwigshafen, Germany and requested that Dr. Heistracher forward the package to Walter van Loocke and Theo Quaghebeur at the mailing addresses listed above.

4. On March 29, 2002, the undersigned contacted Elisabeth Heistracher regarding Walter van Loocke and Theo Quaghebeur's failure to sign and return the signature documents. Elisabeth Heistracher then told the undersigned she would follow up and try to contact Walter van Loocke and Theo Quaghebeur a second time.

5. On April 19, 2002, the undersigned again contacted Elisabeth Heistracher to inquire if she had received Walter van Loocke or Theo Quaghebeur's signed declarations. Elisabeth Heistracher told the undersigned that she had been unsuccessful in her attempts to obtain the documents.

6. On May 6, 2002, the undersigned again contacted Elisabeth Heistracher to inquire if she had received Walter van Loocke or Theo Quaghebeur's signed declarations. Elisabeth Heistracher told the undersigned that she continued to be unsuccessful in her attempts to obtain the documents.

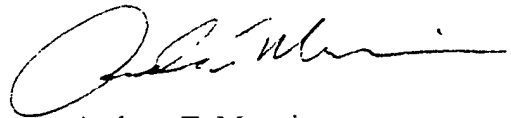
7. On May 24, 2002, the undersigned again contacted Elisabeth Heistracher to inquire if she had received Walter van Loocke or Theo Quaghebeur's signed declaration. Elisabeth Heistracher told the undersigned that she continued to be unsuccessful in her attempts to obtain the documents.

8. On July 22, 2002, the undersigned again contacted Elisabeth Heistracher to inquire if she had received Walter van Loocke or Theo Quaghebeur's signed declaration.

Elisabeth Heistracher told the undersigned that she continued to be unsuccessful in her attempts to obtain the documents.

As demonstrated by the above facts and the attached Declarations by Dr. Elisabeth Heistracher and Mrs. Beate Belgraver, diligent efforts have been made to obtain a Declaration for this case signed by Walter van Loocke and Theo Quaghebeur. A Declaration along with a copy of U.S. Patent No. 5,990,046 and U.S. Reissue Application No. 09/990,570 filed November 21, 2001 were forwarded to Walter van Loocke's last known address to meet the filing requirements for this application. Additionally, a Declaration along with a copy of U.S. Patent No. 5,990,046 and U.S. Reissue Application No. 09/990,570 filed November 21, 2001 were forwarded to Theo Quaghebeur's last known address to meet the filing requirements for this application. However, the undersigned, Elisabeth Heistracher and Beate Belgraver have been unsuccessful in obtaining the signature of either Walter van Loocke or Theo Quaghebeur. Nevertheless, all the available joint inventors have executed a Declaration on behalf of themselves and on behalf of Walter van Loocke and Theo Quaghebeur, the nonsigning inventors, and this declaration includes the last known addresses of the nonsigning inventors. Therefore, Applicants have met all the requirements of 37 CFR § 1.47(a). The required fee of \$130.00 as set forth in §1.17(h) is enclosed. Accordingly, Applicants respectfully submit that this petition meets all requirements of 37 CFR §1.47(a) and respectfully request an indication that the filing requirements for this case have been met.

Respectfully submitted,

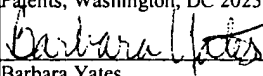


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CERTIFICATION OF FACSIMILE TRANSMISSION	CERTIFICATE OF MAILING
<p>I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. _____ on the date shown below.</p> <p>(Type or print name of person signing certification.) _____</p> <p>Signature _____ Date _____</p>	<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on August 26, 2002.</p> <p> Barbara Yates</p>

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